

REMARKS

Claims 1-25 are pending in the present application. Claims 1, 9, 18, and 25 have been amended to correct typographic errors and/or to clarify the patentable subject matter recited therein. No new matter is added. In view of the above amendatory matter and the following remarks, favorable reconsideration of this case is respectfully requested.

Applicant respectfully requests that the Examiner acknowledge the claim of priority and receipt of the certified priority documents, which were filed with the present application on January 9, 2002. Applicant also respectfully requests an initialed copy of the Information Disclosure Statement filed with the present application in the next communication by the Office to the Applicant. A courtesy copy of the USPTO Form 1449 filed with the IDS is enclosed with this amendment.

Claims 1-25 are rejected under 35 U.S.C. 102 (e) as being anticipated by United States Patent No. 6,671,724 to Pandya et al. (hereinafter Pandya). Applicant respectfully traverses.

Claim 1 relates to a providing service control device that includes, *inter alia*, a module storing information, as contract data of a contract with a user, showing a service substitutionally providable corresponding to the state of the traffic congestion. Claim 1 also recites a control module determining the substitutionally providable service for every the user on the basis of the obtained performance information and the contract data, and having the corresponding service provided to a client terminal used by the user.

The Examiner asserts that Pandya discloses the module storing information in column 13 lines 4-19 and element 138 in figure 9. However, there is no specific reference in this section showing *information being stored as contract data showing a service substitutionally providable*, as recited in Applicant's claim. Element 138 of Pandya is apparently adapted "to add

features to existing products, to tailor products for specific customer needs, and to integrate ... with technology” (Pandya; col. 13, lines 16-18). However, there is no indication in Pandya of substitutionally providable services. Nor more particularly, is there any indication in Pandya that substitutionally providable services correspond to state of traffic congestion, as recited in claim 1.

Additionally, the Examiner asserts that Pandya discloses a control module in column 11 lines 16-65. However, there is no specific reference in this section showing a control module *determining the substitutionally providable service for every the user on the basis of* the obtained performance information and *the contract data*, and having the corresponding service provided to a client terminal used by the user. Pandya apparently discusses providing a specified network service level by maintaining queues. (Pandya; col. 11, lines 24-35). However, there is no disclosure or suggestion of determining substitutionally providable services for each user based on contract data, nor more specifically that a service corresponding to each user is provided to the user’s client terminal. Therefore, for at least this additional reason claim 1 is allowable over Pandya.

Independent claims 9, 18, and 25 include features similar to those described above and are therefore allowable for at least the same reasons as claim 1 is allowable.

Claims 2-8, 10-17, and 19-24 depend from claims 1, 9, and 18, respectively, and are therefore allowable for at least the same reasons as claims 1, 9, and 18 are allowable.

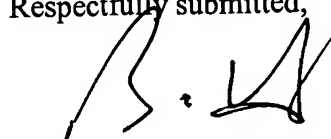
CONCLUSION

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner

should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Brian E. Hennessey
Reg. No. 51,271

CUSTOMER NUMBER 026304

Telephone(212) 940-8800

Fax (212-940-8986

Docket No: 100794-00122 (FUJY 19.313)